



THE CITY OF SAN DIEGO

City of San Diego
Office of the City Clerk
202 C Street
Second Floor
San Diego, CA 92101
(619) 533-4000

338

01/13

Recommendations
Community Planning Group/
Staff's/Planning Commission

000903

Project Manager **must** complete the following information for the Council docket:

CASE NUMBER: PTS 96319

Staff's:

Please indicate the recommended action for each item (i.e. Resolution/Ordinance):

Resolution approving Coastal Development Permit No. 314328, resolution approving Tentative Map No. 592418 with request to waive the requirement to underground existing overhead utilities.

Planning Commission:

(List names of Commissioners voting yea or nay)

YEAS: 4 (Schultz, Ontai, Otsuji, Nuslund)

NAYS: 0

ABSTAINING: 3 (Golba recusing, Smiley and Griswold, not present)

Recommended Action: Approval of Coastal Development Permit No. 314328, resolution approving Tentative Map No. 592418 with request to waive the requirement to underground existing overhead utilities.

Community Planning Group:

Choose one:

LIST NAME OF GROUP: Pacific Beach Community Planning Committee

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☒ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 8

Opposed: 2

By: _____
Project Manager

*This information is available in alternative formats for persons with disabilities.
To request this information in alternative format, call (619)446-5446 or (800)735-2929 (TDD)*

000905



THE CITY OF SAN DIEGO

338
01/13

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 16, 2008 **REPORT NO.** PC-08-133

ATTENTION: Planning Commission, Agenda of October 23, 2008

SUBJECT: 1949 GRAND AVENUE TENTATIVE MAP - PROJECT NO. 96319.
PROCESS 4

**OWNER/
APPLICANT:** Mr. Michael E. Turk, managing member of West of Ingraham LLC

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert four existing residential apartment units into residential condominiums and create two office commercial condominium units, with a request to waive the requirement to underground existing overhead utilities within the Pacific Beach Community planning Area?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 314328; and
2. APPROVE Tentative Map No. 592418 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On September 4, 2008, the Pacific Beach Community Planning Committee voted 8-2-0 to recommend approval of the proposed project with conditions as discussed in this report.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. This CEQA determined was made on March 27, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006.

Fiscal Impact Statement: All costs associated with processing of this application are

000906 paid for by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The proposed project is the conversion of four existing apartment units into condominiums. There would be a loss of four rental units and a gain of four for-sale units. This Tentative Map project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 8).

BACKGROUND

The 6,244 square foot site is located at 1949 Grand Avenue in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and Parking Impact Overlay Zone. The development is located on a parcel that is designated Community Commercial within the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with multi-family, mixed use and commercial development. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 125.0410); for the proposed division of the property into four residential condominium dwelling units and two commercial office condominium units.

The existing development is a two-story mixed-use building with four residential dwelling units on the second floor and two commercial offices spaces on the first floor that was constructed in 1978. At the time the property was developed the approved construction met all the current regulations. The mixed use building includes four, one-bedroom units, and two commercial office areas ranging in size from approximately 609 square feet to 652 square feet each. The original development provided twelve parking spaces, all accessible from the alley to the south.

No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. If this property was undeveloped today, under the current CN-1-2 Zone development regulations, up to four residential dwelling units could be developed along with commercial office space.

DISCUSSION

Project Description:

The project proposes to convert the existing mixed-use building, into four residential condominium dwelling units and two commercial office condominium units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, south of Grand Avenue and east of Lamont Street. The proposed mixed-use building was constructed in 1978 and consists of a two-story, light earth tone stucco exterior walls with a pitched Spanish clay tile roof. The project has a total of twelve off-street parking spaces, all accessible from the rear alley. During the project's review, City Staff determined that the existing structure was in conformance

000907 with the development codes in effect at the time of construction.

Undergrounding Waiver Request:

The project site is located in Block 2-U1 of the City's Undergrounding Master Plan and is not currently scheduled for undergrounding (Attachment 13). San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 8). If the requested waiver of undergrounding is not approved, the applicant would have to add one additional power pole, at the south west corner of the property along the alley.

Project-Related Issues:

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding Inclusionary Housing and Tenant Relocation Benefits adopted by the City Council on March 15, 2004. Conditions Nos. 12 and 13 of the draft Tentative Map Resolution (Attachment 8) require compliance with this ordinance. In order to meet the Inclusionary Housing requirement the applicant has elected to pay the in-lieu fee, which is calculated to be \$3,045.

The Community Planning Group voted 8 to 2 to recommend approval of the project with two conditions. To move a side door on the south side of the garage to the west side and to require that all the parking spaces be used for parking and not storage. The applicant has agreed to make these changes.

Building Conditions Report and Landscape Plan Requirements:

This project was deemed complete on March 4, 2006. At that time, the condominium conversion regulations did not require a Building Conditions Report or landscape improvements. The environmental determination was subsequently appealed to the City Council (it was part of the original 76 CEQA appeals by Cory Briggs). On July 31, 2006, the City Council denied the CEQA appeal by Resolution No. R-301780. That denial permitted this project to move forward through the review and hearing process, subject to the regulations that were in effect at the time the project was deemed complete. However, the applicant will provide the Planning Commission, under separate cover, a list of proposed physical improvements to the property along with a landscape plan of proposed landscape improvements.

Conclusion:

000908

A Coastal Development Permit, Tentative Map and Waiver of Undergrounding for a Condominium Conversion are a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Sections 126.045 and 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

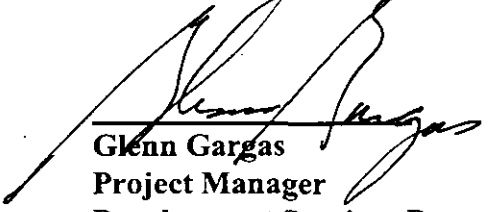
ALTERNATIVES

1. Approve Coastal Development Permit No. 314328 and Tentative Map with Waiver of Undergrounding No. 592418, with modifications.
2. Deny Coastal Development Permit No. 314328 and Tentative Map with Waiver of Undergrounding No. 592418, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



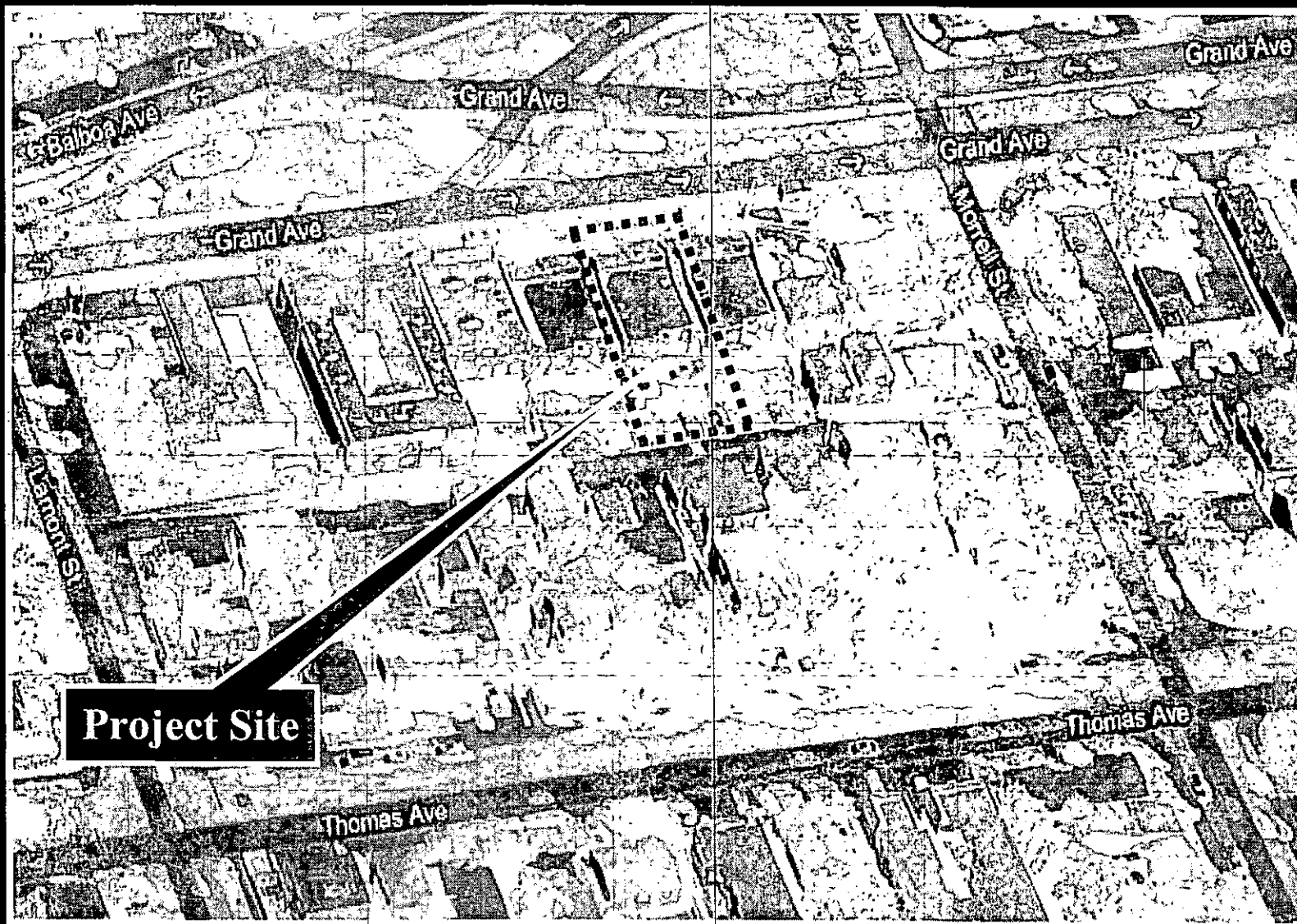
Glenn Gargas
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft CDP Permit
7. Draft CDP Resolution
8. Draft Tentative Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Housing Commission Letter

000009

13. Proposed Undergrounding of Overhead Utilities
14. Photos of Existing Front and Rear Elevations

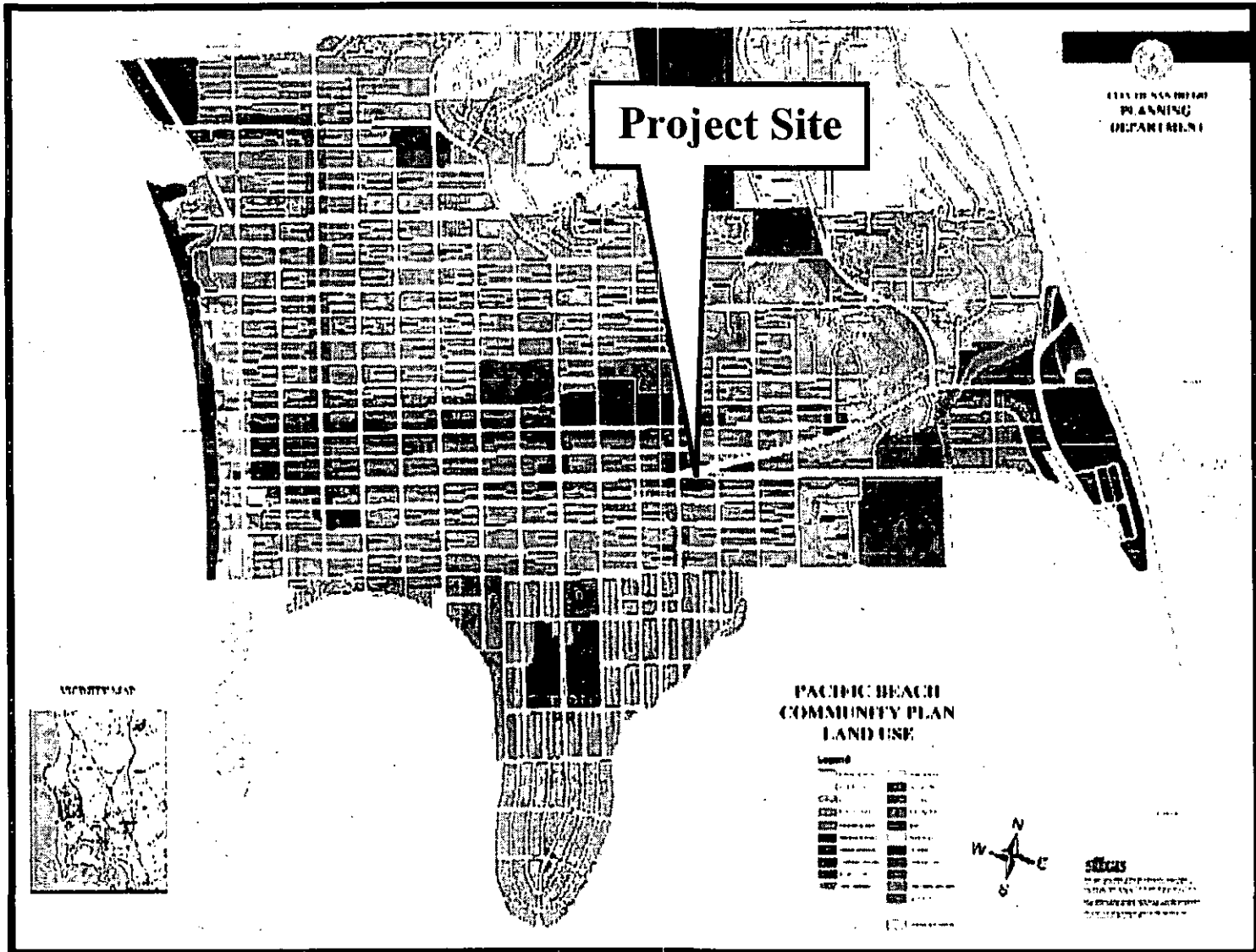


Aerial Photo

1949 GRAND AVENUE TENTATIVE MAP – 1949 GRAND AVENUE

PROJECT NO. 96319

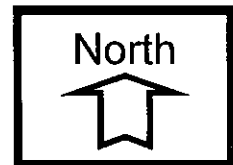


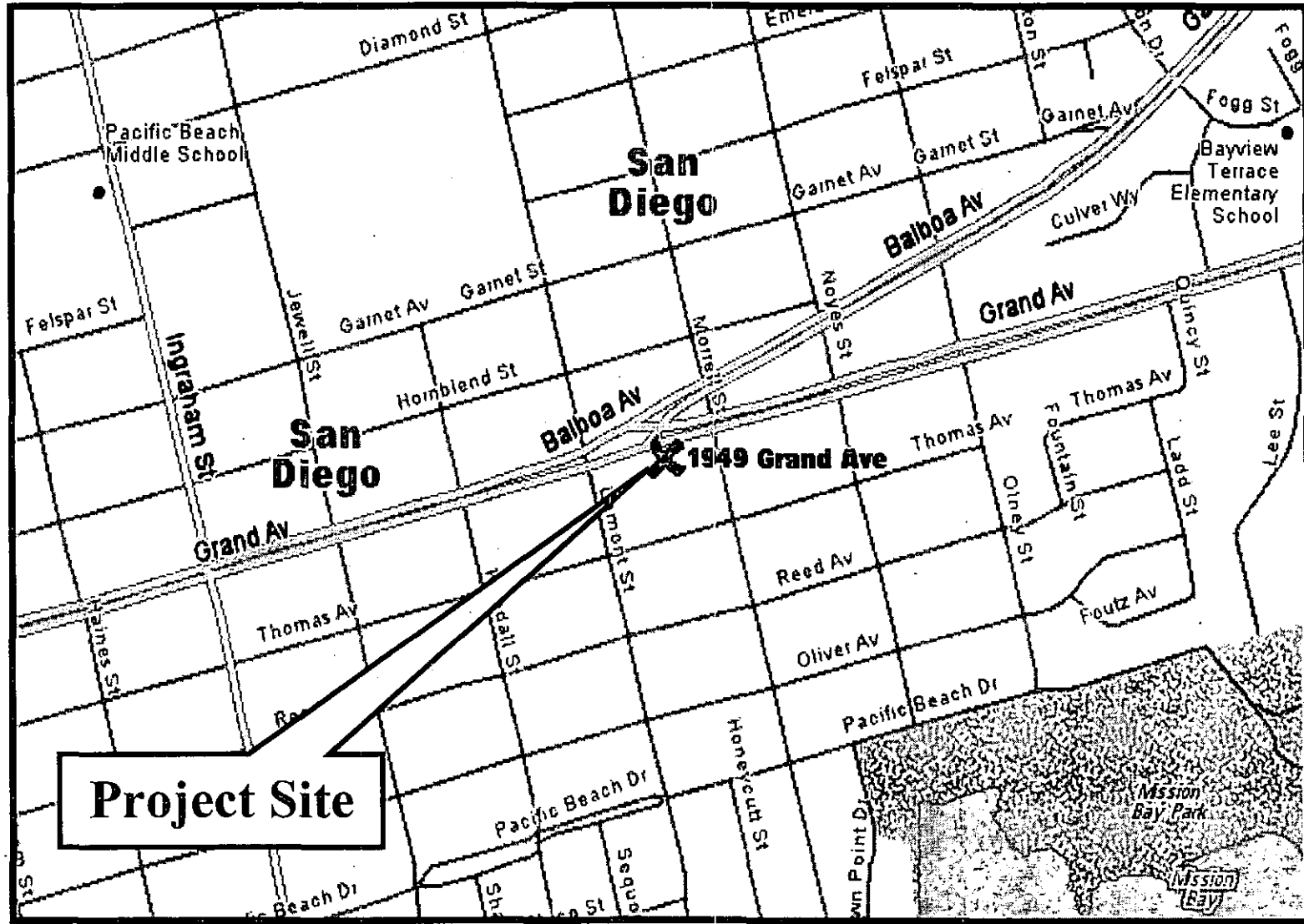


Land Use Map

1949 GRAND AVENUE TENTATIVE MAP – 1949 GRAND AVENUE

PROJECT NO. 96319 – Pacific Beach





Project Location Map

1949 GRAND AVENUE TENTATIVE MAP – 1949 GRAND AVENUE
PROJECT NO. 96319



000917

PROJECT DATA SHEET

FOR CONDOMINIUM CONVERSIONS

PROJECT NAME:	1949 Grand Avenue Tentative Map																						
PROJECT DESCRIPTION:	Conversion of four residential units and commercial space into four residential and two commercial office condominium units and a waiver to underground utilities.																						
COMMUNITY PLAN AREA:	Pacific Beach Plan Area.																						
DISCRETIONARY ACTIONS:	Coastal Development Permit & Tentative Map with a utility underground waiver request																						
COMMUNITY PLAN LAND USE DESIGNATION:	Community Commercial																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>CURRENT ZONING INFORMATION:-</u> ZONE: CN-1-2: commercial zone DENSITY: one dwelling unit per 1,500 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 5,000 square-foot minimum lot size. FLOOR AREA RATIO: 1.00 maximum. FRONT SETBACK: 0 feet. SIDE SETBACK: 10/0 feet. STREETSIDE SETBACK: 0 feet. REAR SETBACK: 10/0 feet. PARKING: 12 spaces required </td> <td style="width: 50%; vertical-align: top;"> <u>CONSTRUCTED:</u> CN One unit per 1, 500 sq. ft. of lot area 30 foot maximum 10,000 square-foot minimum 1.00 maximum 14.9 feet 3.8/3.9-feet NA 48-feet 12 spaces </td> </tr> </table>			<u>CURRENT ZONING INFORMATION:-</u> ZONE: CN-1-2: commercial zone DENSITY: one dwelling unit per 1,500 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 5,000 square-foot minimum lot size. FLOOR AREA RATIO: 1.00 maximum. FRONT SETBACK: 0 feet. SIDE SETBACK: 10/0 feet. STREETSIDE SETBACK: 0 feet. REAR SETBACK: 10/0 feet. PARKING: 12 spaces required	<u>CONSTRUCTED:</u> CN One unit per 1, 500 sq. ft. of lot area 30 foot maximum 10,000 square-foot minimum 1.00 maximum 14.9 feet 3.8/3.9-feet NA 48-feet 12 spaces																			
<u>CURRENT ZONING INFORMATION:-</u> ZONE: CN-1-2: commercial zone DENSITY: one dwelling unit per 1,500 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 5,000 square-foot minimum lot size. FLOOR AREA RATIO: 1.00 maximum. FRONT SETBACK: 0 feet. SIDE SETBACK: 10/0 feet. STREETSIDE SETBACK: 0 feet. REAR SETBACK: 10/0 feet. PARKING: 12 spaces required	<u>CONSTRUCTED:</u> CN One unit per 1, 500 sq. ft. of lot area 30 foot maximum 10,000 square-foot minimum 1.00 maximum 14.9 feet 3.8/3.9-feet NA 48-feet 12 spaces																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><u>ADJACENT PROPERTIES:</u></td> <td style="width: 35%;">LAND USE DESIGNATION & ZONE</td> <td style="width: 35%;">EXISTING LAND USE</td> </tr> <tr> <td style="text-align: center;">NORTH:</td> <td>Community Commercial; CN-1-2.</td> <td>Commercial – Gas Station</td> </tr> <tr> <td style="text-align: center;">SOUTH:</td> <td>Multi-Family Residential; RM-1-1.</td> <td>Multi-Family Residential</td> </tr> <tr> <td style="text-align: center;">EAST:</td> <td>Community Commercial; CN-1-2.</td> <td>Mixed Use Multi-Family Residential & Com. Office</td> </tr> <tr> <td style="text-align: center;">WEST:</td> <td>Community Commercial; CN-1-2.</td> <td>Mixed Use Multi-Family Residential & Com. Office</td> </tr> <tr> <td colspan="3">DEVIATIONS OR VARIANCES REQUESTED: None</td> </tr> <tr> <td colspan="3">COMMUNITY PLANNING GROUP RECOMMENDATION: On September 4, 2008, the Pacific Beach Community Planning Committee voted 8-2-0 to recommend approval of the proposed project.</td> </tr> </table>			<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE	NORTH:	Community Commercial; CN-1-2.	Commercial – Gas Station	SOUTH:	Multi-Family Residential; RM-1-1.	Multi-Family Residential	EAST:	Community Commercial; CN-1-2.	Mixed Use Multi-Family Residential & Com. Office	WEST:	Community Commercial; CN-1-2.	Mixed Use Multi-Family Residential & Com. Office	DEVIATIONS OR VARIANCES REQUESTED: None			COMMUNITY PLANNING GROUP RECOMMENDATION: On September 4, 2008, the Pacific Beach Community Planning Committee voted 8-2-0 to recommend approval of the proposed project.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE																					
NORTH:	Community Commercial; CN-1-2.	Commercial – Gas Station																					
SOUTH:	Multi-Family Residential; RM-1-1.	Multi-Family Residential																					
EAST:	Community Commercial; CN-1-2.	Mixed Use Multi-Family Residential & Com. Office																					
WEST:	Community Commercial; CN-1-2.	Mixed Use Multi-Family Residential & Com. Office																					
DEVIATIONS OR VARIANCES REQUESTED: None																							
COMMUNITY PLANNING GROUP RECOMMENDATION: On September 4, 2008, the Pacific Beach Community Planning Committee voted 8-2-0 to recommend approval of the proposed project.																							

000921

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-6071

COASTAL DEVELOPMENT PERMIT NO. 314328
1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319
PLANNING COMMISSION

This Coastal Development Permit No. 314328 is granted by the Planning Commission of the City of San Diego to Michael E. Turk, managing member of West of Ingham LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.143 acre site is located at 1949 Grand Avenue, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Parcel 2, Parcel Map No. 2866.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 4 unit apartment building with first floor commercial office to be converted into 4 residential condominium units and two commercial office condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated October 23, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 4 unit mixed use apartment building with first floor commercial office, into 4 residential condominium units and two commercial office condominium units on a 0.143 acre property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, twelve parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement

000922

requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for and approval of the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

9. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENGINEERING REQUIREMENTS:

10. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 592418 to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to receiving a parcel map/certificate of compliance, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a parcel map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

12. Prior to receiving a parcel map/certificate of compliance, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, ?144.0503). In

000924

addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Sec.144.0502).

PLANNING/DESIGN REQUIREMENTS:

13. No fewer than twelve (12) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

14. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

15. Prior to issuance of Certificate of Compliance, the project must comply with the Inclusionary Housing Regulations, and the Coastal Zone Affordable Housing Replacement Regulations as determined by the San Diego Housing Commission.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on October 23, 2008, by Resolution No. _____.

000925

PLANNING COMMISSION
 RESOLUTION NO. – ____-PC
 COASTAL DEVELOPMENT PERMIT NO. 314328
 1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319

WHEREAS, Mr. Michael E. Turk, managing member of West of Ingraham LLC, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, mixed use apartment building with first floor commercial office and four dwelling unit apartments into four residential condominium units and two commercial office condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 314328, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 1949 Grand Avenue, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Parcel 2, Parcel Map No. 2866.

WHEREAS, on October 23, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 314328, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated October 23, 2008.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The 0.143-acre project site is currently developed with an existing mixed use, residential apartment and commercial office building which includes four residential apartment units and first floor commercial office. The development proposes to divide the existing four dwelling units into residential condominiums along with commercial office condominiums and is located approximately one mile from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the

000926

Pacific Beach Local Coastal Program. The project site is situated along Grand Avenue, within a developed multi family residential and small scale commercial neighborhood. The proposed division into condominiums met the development setbacks and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The 0.143-acre project site is currently developed with a four dwelling unit apartment building with first floor commercial office and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed division of the existing mixed use residential apartment and commercial office use building with four dwelling units to be converted into condominium units is located on a site which has a Community Commercial land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing mixed use apartment with commercial office building that includes four dwelling units, is located within a well developed multi family residential and neighborhood commercial neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately one mile away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project has an existing design with access off the existing public alley, with all twelve

000927

existing off street parking spaces off the alley. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 314328, is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 314328, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: October 23, 2008

Job Order No. 42-6071

cc: Legislative Recorder, Planning Department

000929

PLANNING COMMISSION RESOLUTION NO. _____
TENTATIVE MAP NO. 592418
1949 GRAND AVENUE TENTATIVE MAP - PROJECT NO. 96319
DRAFT

WHEREAS, Michael E. Turk, managing member of West of Ingraham LLC, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 592418, for the conversion of an existing, two-story, mixed use building with four (4) residential dwelling units and first floor commercial office area to be converted into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 1949 Grand Avenue, on the south side of Grand Avenue, between Morrell Street and Lamont Street, and is legally described as Parcel 2, Parcel Map No. 2866, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into four (4) residential condominium units and two commercial office condominium units; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is forty-eight; and

WHEREAS, on October 23, 2008, the PLANNING COMMISSION of the City of San Diego considered Tentative Map No. 592418, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the PLANNING COMMISSION having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 592418:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development

000930

Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
10. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).

000931

11. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
12. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
13. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
14. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).
15. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
16. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
17. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).

18. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
19. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
20. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
21. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
22. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
23. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the PLANNING COMMISSION, Tentative Map No. 592418, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to Mr. Michael E. Turk, managing member of West of Ingraham LLC, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire on October 23, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.

000933

3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant
6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.

000934

9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

12. Inclusionary Housing Ordinance - Prior to receiving a parcel map/certificate of compliance, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. The in-lieu fee is calculated at \$3,045.00 (2,436 sq. ft. x \$1.25 = \$3,045). Prior to receiving a parcel map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.
13. Relocation Requirements of the Condo Conversion Ordinance - Prior to receiving a parcel map/certificate of compliance, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, ?144.0503). In addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Sec. 144.0502).

000935

14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).

ENGINEERING

15. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
16. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
17. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
18. *Conformance with the "General Conditions for Tentative Subdivision Maps,"* filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
19. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

20. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
21. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

000936

22. The Final Map shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

23. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the PLANNING COMMISSION of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF
SAN DIEGO, CALIFORNIA, ON OCTOBER 23, 2008.

By

Glenn R. Gargas, AICP
Development Project Manager
Development Services Department

Job Order No. 42-6071

Rev 04/13/07 rh

000939

**PACIFIC BEACH PLANNING GROUP
EARL AND BIRDIE TAYLOR LIBRARY
DRAFT OF MINUTES FOR SEPTEMBER 4, 2008 MEETING**

6:30 Call to order, quorum established

Attendees: Chris Olson, Jim Krokee, Paul Thackrey, Kevin Szepe, Scott Chipman, Gary Foster, Dean Eades, John Shannon, Marcie Beckett(6:42p), Robert Citrano, Barbara Williams, Jim Morrison (7:55p)

Agenda: Chris Olson made a motion to approve the agenda, Krokee seconded the motion. Motion carried 9-0-0

Minutes: Chris Olson made a motion to approve the July 2008 minutes, Paul Thackrey seconded the motion. Motion carried 8-0-1
Kevin Szepe abstained because he did not attend the last meeting.

Chair's Report: John Shannon reported that the Brown Act required an earlier posting of our agenda therefore we could not meet on our scheduled date. Our PBPG must adhere to the Brown Act and that is why we are assembled today.

Non-Agenda Public Comment: Scott Chipman said he had met with Ben Nichols of Discover PB and they had discussed the three organizations serving PB, Pacific Beach Town Council, Pacific Beach Community Development Corporation and the Pacific Beach Planning Group. Scott said that he would like to propose a way of all of these groups to have contact with each other and he recommended they work together whenever it is feasible.

Government Office Reports:None**Presentations:**

Brad Jacobsen – Associate Traffic Engineer. Restricting the number of pedicabs in PB.

Marcie made the motion to include Pacific Beach in limiting pedicabs in the restriction area of the San Diego City Zone. Kevin Szepe seconded the motion.

Discussion: Brad Jacobsen said the pedicab people like having the limit. John Shannon asked if there are restrictions where they can go? Jacobsen said they were. He said Mission Boulevard, PB Drive, Riviera Drive, and Grand Avenue are not safe and cannot be used by the pedicabs.

Motion carried 10-0-0

Gary Pence – Senior Traffic Engineer. Crosswalk at La Jolla Mesa and Van Nuys Street. Pence said that there are three options for this intersection. 1) flashing crosswalk; pedestrian activated 2) flashing beacons flashing 24 hours a day 3) "v con" sign to tell you how fast you are going. Pence felt that the 24 hour flashing beacon is the least effective because motorists don't heed them.

Marcie made the motion to support flashing crosswalk at Van Nuys or Colima whichever Traffic Engineering and Bird Rock Elementary thinks is best. Gary Foster seconded the motion.

Motion carried 9-1-0

Barbara Williams objected because of poor visibility from motorists traveling down La Jolla Mesa Drive

Jim Krokee – Jim passed out information sheets defining guest quarters and granny flats. He wants us to discuss these issues for our community plan.

Subcommittee Reports:

Residential, Mixed Use and Commercial (Chris Olson)

Presentation: Beachfront Resort (between Reed and PB Drive, between Mission Boulevard and Ocean Front walk) Beachfront Resort representatives not present. Chris said they are open to feedback however, he is concerned because we don't see design from them and they are moving forward on the project. Beachfront people have said they are not sure what the project will encompass. There is a possibility of demolishing the Promenade or working around it. The main component will be a hotel. The name of the organization is Gatehouse Capitol Corporation. Jim Krokee said that we shouldn't let them reduce the business/commercial part of the project.

Carports: Chris contacted the City in regard to the requirements for a carport. Presently, carports are not included in the FAR. City says carports must be open on two sides, but definition of open is 75% open and 25% closed. Bars in open sides are allowed. Chris stated that the City Planner suggested if structures do not conforming to 75% open it is now a code compliance issue. Scott Chipman said he would pursue the issue as a code compliance issue for the 4 units built on the 1100 block of Oliver Street.

Chris announced the next Subcommittee will be September 12, 2008, 3:00p at the Library.

Projects:

1. #96319 – 1949 Grand Avenue: CDP and Map Waiver application to waive requirements of a tentative map and undergrounding of utilities to convert 4 residential units to condominiums and create 2 commercial condominiums in a CN 1-2 zone. Paul Ross present. Chris noted the reconfiguring of parking to comply with previous code which allows compact spaces. The commercial condos appear to be used as residential condos. The 3 car parking garage is not used as a garage and a parking barrier is in front of the garage opening. A trash bin takes up a parking space.

Chris Olson made a motion to approve the project with these conditions: 1) parking spaces and garage must be used for parking and not storage 2) door on south side of building is closed off and a new door will be located on the west side to access garage. Marcie Beckett seconded the motion.

Discussion: Paul Ross said they will reroof and upgrade windows and doors to improve the building. The undergrounding of utilities should be waived because they will have to add more poles to accommodate undergrounding. Scott Chipman said the location of trash should have a home. Chris Olson said if we enforce trash in an enclosed area we lose a space.

Motion to approve the project passed 8-2-0

Objections are we are increasing density by allowing the condo conversions and this is not the goal of our community plan. Also, garbage cans will be put in spaces because parking space is too small.

2. #159002 – 754 Tourmaline Street: Mark Steve was present. CDP to construct a 2,185 sq ft SFR residence with garage with an existing SFR in the RM 1-1 zone. Issues are owner obtained building permit to remodel rear structure and construction near completion. Later, City realized the original structure was never permitted and therefore has issued a stop work order and now requires CDP. We now see plans that include a first floor recreation room with bath/closet/wet bar and a separate entrance. This is easily used as a separate (3rd) unit. Neighbor is complaining and says work continues in spite of stop order.

Kevin Szepe made a motion to approve the project as it was submitted. Gary Foster seconded the motion.

Discussion: Jim Krokee wanted to know the status of the permits? He asked Steve if he was within the setbacks? Steve said he had no issues with the City. The City would allow the first cycle to go through and there are no issues so project will go forward, however he still has to go through the Coastal Commission. Marcie Beckett said cycle said project is a 2 bedroom 2 bath. City called it a 3 bedroom, but City said it has 4 parking spaces. Jim Krokee said the 3rd unit is already a possibility, door is not on plans. Marcie amended the motion to show there is a doorway between the rec room and the unit and that the doorway be 6' wide and must remain open.

Motion carried 10-1-0

Objection was that building already has a 3rd unit, the 3rd bedroom is a separate unit.

3. #153092 – 2175 Reed Avenue: Variance for a 216 sq foot addition with rear yard setback to an existing SFR on a 3125 sq ft site in the RM 1-1 site. Issues include this is a small corner lot and the owner is asking to build a first floor bedroom, exterior stairway and second floor roof deck that encroaches into the rear yard setback. Also, looking at the property you will see the lack of a sidewalk along Olney Street and poor condition of the landscaping. Present condition is bad for pedestrian use. Setbacks are a big issue. Applicant Susie Horton present.

Chris Olson made a motion to approve the variance based on hardship of substandard lot size if applicant removes curbcut on Olney St., and installs sidewalk and landscape per City standard. Jim Morrison seconded the motion.

Discussion: Hardship is due to substandard size lot. Kevin Szepe said wall for deck will give smaller look to the yard. Gary Foster said all she is doing is continuing the line of present structure.

Motion carried 9-2-0

Objections are due to unintended consequences it will lead to problems that increase bulk and scale, and there is not a significant hardship with the project.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title

1949 Grand

Project No. For City Use Only

pts 96319

Project Address:

1949 Grand Ave

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: <u>1949 Grand</u>	Project No. (For City Use Only)
----------------------------------	---------------------------------

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☒ Corporation ☐ Limited Liability -or- ☐ General What State? CA Corporate Identification No. 200606610308
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print):
West of Ingraham, LLC
☒ Owner ☐ Tenant/Lessee
 Street Address:
4641 Ingraham St
 City/State/Zip:
SD, CA 92109
 Phone No: 858 274 5995 Fax No: 274 0964
 Name of Corporate Officer/Partner (type or print):
Michael E. Turk
 Title (type or print):
managing member
 Signature: [Signature] Date: 9/26/08

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: Date:

Corporate/Partnership Name (type or print):
West of Ingraham, LLC
☒ Owner ☐ Tenant/Lessee
 Street Address:
Same
 City/State/Zip:
same
 Phone No: Same Fax No:
 Name of Corporate Officer/Partner (type or print):
Karen D. Turk
 Title (type or print):
member
 Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: Date:

1949 GRAND AVENUE TENTATIVE MAP

Project No. 96319

Project Chronology

Date	Action	Description	City Review Time	Applicant Response
3/04/06	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
4/07/06	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 3 days	
8/25/06	Applicant submits second full set of plans.	Applicant's revised set of plans submitted in response to first assessment letter from City staff.		4 Months 18 days
9/18/06	Second Assessment Letter	Second Assessment Letter identifying all remaining/outstanding issues.	23 days	
6/05/08	Applicant submits third set of plans.	Applicant's revised set of plans submitted in response to second assessment letter from City staff.		21 Months 17 days
06/27/08	Third Assessment Letter	Third Assessment Letter identifying all remaining/outstanding issues.	22 days	
07/17/08	Applicant submits fourth set of plans.	Applicant's revised set of plans submitted in response to third assessment letter from City staff.		20 Days
08/20/08	Fourth Assessment Letter	Fourth Assessment Letter identifying all remaining/outstanding issues.	1 Month 3 Days	
9/12/08	Issues resolved	Staff determines project issues resolved, okay Process 4 Planning Commission hearing to proceed		22 Days
10/23/08	Planning Commission Hearing	Public Hearing	1 Month 11 Days	
TOTAL STAFF TIME		Averaged at 30 days per month	5 Months 2 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		27 Months 17 Days
TOTAL PROJECT RUNNING TIME			32 Months, 19 Days	



000945 Housing Finance & Development

January 30, 2008

Mr. Robert Bateman
SDLSE
9665 Chesapeake Drive, # 445
San Diego, CA 92123

SUBJECT: Coastal Affordable Housing Compliance Permit, 1949 Grand Avenue,
PTS #96319

Dear Mr. Bateman:

The purpose of this letter is to notify you of the Coastal Affordable Housing Compliance Permit Determination for your proposed conversion of four apartments to condominiums at 1949 Grand Avenue.

Upon receipt of your application on December 18, 2007, Housing Commission staff carried out an income survey of the tenants who reside at the property, pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). **The tenant income survey identified no low- or moderate-income tenants** in accordance with established criteria.

Therefore, you do not have an obligation to provide affordable replacement housing or an in-lieu fee pursuant to the Coastal regulations. Please note, however, that this determination applies only to the Coastal regulations and does not address obligations that may attach to the proposed project by virtue of other ordinances or regulations, such as Inclusionary Housing or Tenant Relocation requirements.

Should you have any questions regarding this matter, you are welcome to contact Bill Luksic at (619) 578-7593.

Sincerely,

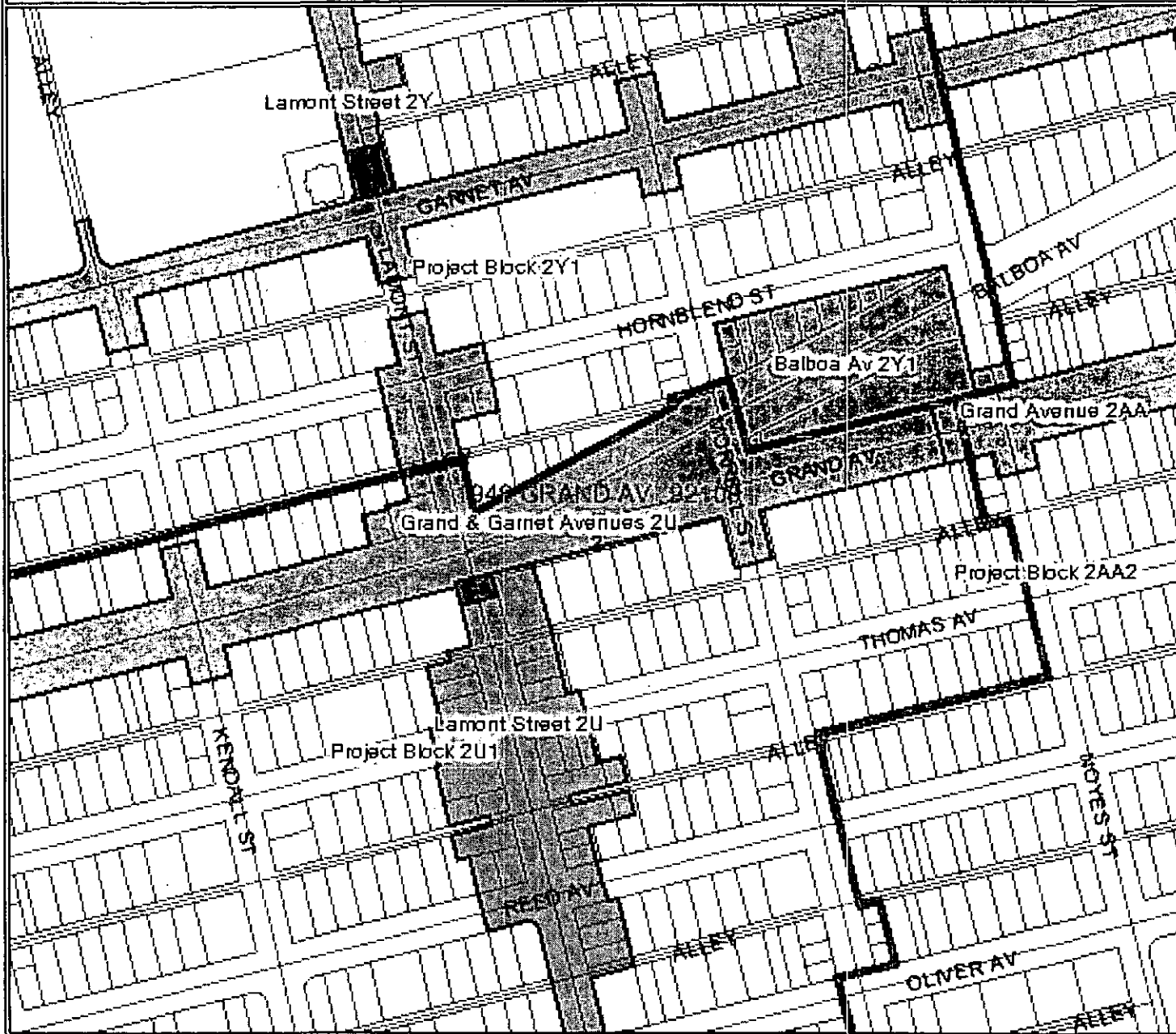
A handwritten signature in black ink, appearing to read "Cissy Fisher".

Cissy Fisher

Director, Housing Finance & Development

cc: Bill Luksic
Mike Turk
Glen Gargas, City of San Diego Development Services, Via Email

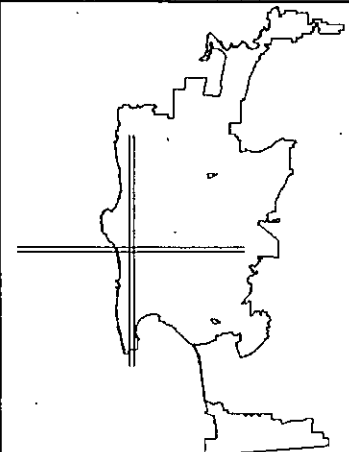
Site Map



Legend

- Future Streetlights
- Undergrounding Projects
- all_20_a
- all_blocks
- Freeways
- Minor Roads
- Parcel Ownership
- Bay
- Streams
- Major
- Minor
- Council Districts
- Ocean
- County

000647



THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

This product may contain information from the SANDAG Regional Information System which cannot be reproduced without the written permission of SANDAG.
This product may contain information which has been replicated with the permission granted by Thomas Brothers Maps.



Scale 1:3,726

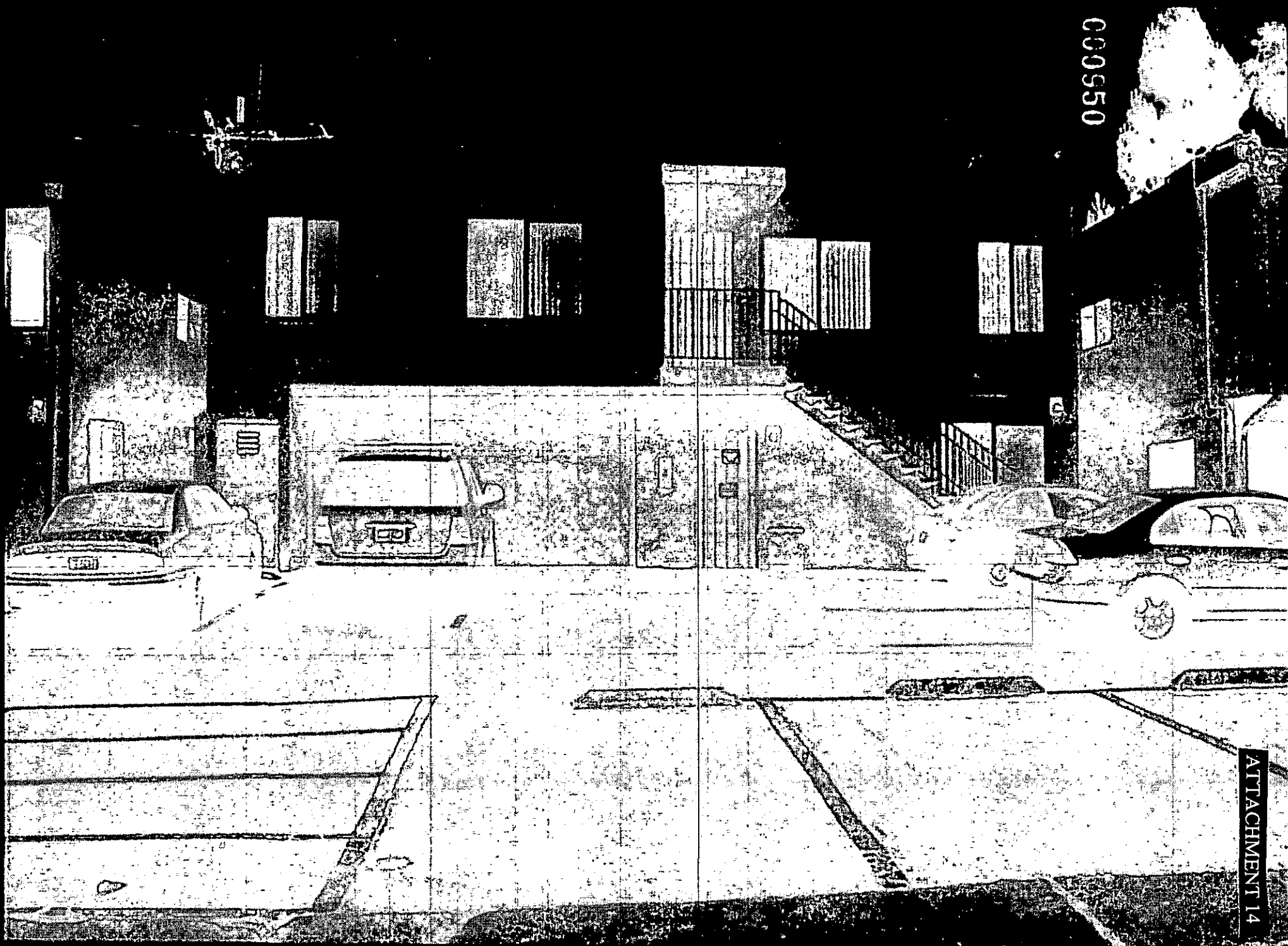
City of San Diego
Copyright SanGIS. All Rights Reserved
Printed: Sep 26, 2008 3:56:02 PM

000549



ATTACHMENT 14

000950



000951

338

01/13



City of San Diego
Development Services
1222 First Ave. - 3rd Floor
San Diego, CA 92101-4154
(619) 446-5210

THE CITY OF SAN DIEGO

www.sandiego.gov/development-services

RECEIVED
CITY CLERK'S OFFICE

08 OCT 30 AM 9:43

Development Permit Appeal Application

See Information Bulletin 505, "Development Permits Appeal Procedure" for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Board of Zoning Appeals
☒ Appeal of a Hearing Officer Decision to revoke a permit
☒ Process Four Decision - Appeal to City Council

2. Appellant Name Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)
Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development,
c/o Cory J. Briggs, Briggs Law Corporation

Address 99 East "C" Street, Suite 111, Upland, CA 91786 City State Zip Code Telephone 909-949-7115

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Unknown

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:

96319 (1949 Grand Ave T.M.)

Date of Decision:

10/23/08

City Project Manager:

Glenn Gargas

Decision (describe the permit/approval decision):

The Planning Commission approved the application for a tentative map to convert residential units to condominiums without

preparing an initial study or performing other study under the California Environmental Quality Act and in violation of

other applicable laws, including the Subdivision Map Act.

5. Reason for Appeal

- ☒ Factual Error
☐ Conflict with other matters
☒ Findings Not Supported
☒ New Information
☒ City-wide Significance (Process Four decisions only)

Description of Reasons for Appeal (Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)

The Planning Commission erred in approving the project without first preparing an initial study or performing any other study under the California Environmental Quality Act and in violation of San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and 142.1305 and Government Code § 66412.3. The project does not qualify for exemption under section 15301 of the CEQA

Guidelines. Furthermore, the project does not qualify for exemption due to the cumulative and other potential adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing. The City also has an independent obligation to conduct this environmental review under CEQA and the Subdivision Map Act (§ 66474). The opposition letter submitted by Briggs Law Corporation prior to approval of the project provides additional information that supports this appeal, including but not limited to the City's inability to make the finding required by Government Code § 66473.5 because the housing element has become invalid due to the City's failure to revise it lawfully and in a timely manner under Government Code § 65588(e).

Evidence of cumulative impacts and other potential adverse environmental impacts of the conversions may not have been available to the person(s) on staff who made the determination of exemption or to the public until after the appeal period for the determination expired.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature

Cory J. Briggs

Date

October 30, 2008

Note: Faxed appeals are not accepted.

This information is available in alternative formats for persons with disabilities.
To request this information in alternative format, call (619) 446-5446 or (800) 735-2929 (TT)

DS-3031 (03-03)

000953

BRIGGS LAW CORPORATION

San Diego Office:
5663 Balboa Avenue, N. 376
San Diego, CA 92111-2705

Telephone: 858-495-9082
Facsimile: 858-495-9138

Please respond to: Inland Empire Office

Inland Empire Office:
99 East C Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1007.08

Planning Commission
City of San Diego
202 C Street
San Diego, CA 92101

October 22, 2008

Re: Project Number: 96319
Project Name: 1949 Grand Ave. T.M.
Commission Meeting Date: October 23, 2008

Dear Planning Commission:

On behalf of Citizens for Responsible Equitable Environmental Development and the Affordable Housing Coalition of San Diego County, I am writing to express my clients' opposition to approval of the above-referenced project, which is scheduled to be considered by the Planning Commission on the above-identified date.

My clients oppose approval of the project on the grounds that converting apartments to condominiums is subject to environmental review under the California Environmental Quality Act. The exemptions set forth in Section 15301 of the CEQA Guidelines do not apply to the project. Furthermore, the cumulative and other potential significant impacts of converting apartments to condominiums make the exemption inapplicable. Evidence of the project's cumulative adverse impacts is contained in, among other sources, (i) the City Attorney's memorandum dated November 10, 2005, regarding the applicability of CEQA to condominium conversions; (ii) the City Manager's report no. 05-060; (iii) the City Manager's report no. 05-060 rev.; (iv) the City Manager's report no. 05-106; (v) the City Manager's report no. 05-163; (vi) the City Council's prior resolutions declaring a state of emergency over the lack of affordable housing; and (vii) the City's current housing element (e.g., its comments about the environmental effects of condo conversions and the loss of affordable housing). Additionally, the project should be denied because your action in approving it would violate San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and 142.1305 and Government Code §§ 66412.3 and 66474 (by not proceeding in the manner prescribed by law, not making all necessary findings, and not supporting the findings with sufficient evidence). Lastly, the project should not be approved because it is inconsistent with the housing element, thus precluding the necessary finding under Government Code § 66473.5; the housing element has not been lawfully revised as required by Government Code § 65588(e)(5) and therefore is invalid. My clients therefore urge the City of San Diego to comply with all applicable laws before approving the project or to deny approval.

Thank you for giving this matter the attention that it deserves.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs
Cory J. Briggs

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: October 16, 2008

REPORT NO.: PC-08-133

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: **PROJECT APPEAL BY CREED (BRIGGS LAW CORPORATION)**

1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319

COUNCIL DISTRICT(S): 2

STAFF CONTACT: Glenn Gargas, (619) 446-5142, ggargas@sandiego.gov

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve the 1949 Grand Avenue condominium conversion project located within the Pacific Beach Community Plan area.

STAFF RECOMMENDATION: DENY the appeal and APPROVE Coastal Development Permit No. 314328 and Tentative Map No. 592418.

EXECUTIVE SUMMARY:

This condominium conversion project was approved by the Planning Commission on October 23, 2008, and subsequently appealed by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. The appeal language is the same as past appeals on condominium conversions filed by the same entity. This is a project appeal not an environmental appeal, therefore the environmental issues raised are not relevant. The project was determined to be exempt from review under the California Environmental Quality Act (CEQA) and the appeal period for that decision has expired and an appeal of the CEQA exemption has been previously heard and rejected by the City Council.

Although the majority of the concerns raised in the Appeal Application are environmental issues that have been previously addressed, there are references to several San Diego Municipal Code (SDMC) and California Government Code sections which are not CEQA-related and may be addressed through this project appeal. These codes sections and staff's responses are contained below:

SDMC Sections 125.0440(a)-(h): These sections describe the required findings for a Tentative Map. The State Map Act (SMA) restricts the scope of the City's review and limits the findings that apply to the conversion of existing buildings into condominiums. SMA Section 66427 precludes the City from reviewing the building design and the division of the airspace and SMA Section 66427.2 exempts condo conversions from six of the eight standard Tentative Map findings. Based on the above, only findings 125.0440 (b) and (h) apply to condominium conversion projects and the appellant's assertion that all of the findings listed in 125.0440 (a)-(h) apply is incorrect. The two findings that do apply are described below:

SDMC Section 125.0440(b): *"The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code."* The project has been reviewed by staff and determined to be in compliance with the applicable zoning and development regulations, including the new condominium conversion regulations. Although the project does not comply with the current requirements for new construction, the project is allowed to maintain the current configuration because no additional units or expansions are proposed and they are considered previously conforming for density and development standards.

SDMC Section 125.0440(h) and California Government Code Section 66412.3: *"The decisionmaker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources."* The project has been approved by the Planning Commission, who was the decisionmaker required to make this finding. Staff believes the intent of this required finding is to respond to "leapfrog" development and to provide necessary public facilities for additional housing in communities. In this instance there is no net loss or gain of housing units, therefore, staff believes this appeal point is not valid.

SDMC Sections 142.1304 and 142.1305: These sections describe the requirements for approving a variance or waiver from the City's inclusionary housing requirements. The project would comply with the City's requirements by paying an in-lieu fee. The project is not requesting a variance or waiver from the inclusionary housing requirements, therefore, these code sections are not relevant to these approved condominium conversion projects.

The appeal also asserts that the Housing Element of the City's General Plan has become invalid due to the City's failure to revise it lawfully and in a timely manner. The current Housing Element was adopted by the City Council on December 5, 2006, and certified by the U.S. Department of Housing and Urban Development on February 5, 2007. The project was approved after the certification of the most recent Housing Element update. A 2007 California appeals court case addressed the question about whether a housing element updated beyond time periods identified in Government Code Section 65588 is invalid and determined that it was not. Therefore, the City's Housing Element has never been considered invalid and would not be grounds for denial of this project.

FISCAL CONSIDERATIONS:

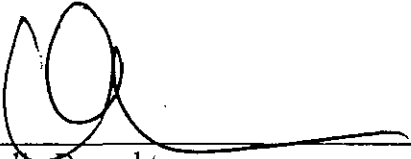
None. All costs associated with the processing of this project are paid by the applicant.

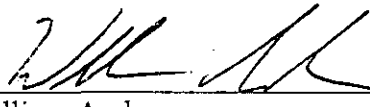
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 4, 2008, the Pacific Beach Community Planning Committee voted 8-2-0 to recommend approval of the proposed project without recommendations. In addition, on October 23, 2008 the project was unanimously approved by a 4-0-3 vote by the Planning Commission.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. Owner: West of Ingrahm, LLC, Managing Members: Michael E. Turk & Karen D. Turk. Other key stakeholders include those associated with condominium conversions in the development industry, the housing industry, and residents.



Kelly Broughton
Director, Development Services Department

William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning and
Development

ATTACHMENTS:

1. Ownership Disclosure Statement
2. Briggs appeal application
3. Briggs project opposition letter to Planning Commission
4. Draft City Council Coastal Development Permit
5. Draft City Council Coastal Development Permit Resolution and Findings
6. Draft City Council Tentative Map Resolution
7. Environmental Exemption form for condominium conversions



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

000958

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title

1949 Grand

Project No. For City Use Only

pts 96319

Project Address:

1949 Grand Ave

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title:

1949 Grand

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

000939

☒ Corporation ☒ Limited Liability -or- ☐ General) What State? CA Corporate Identification No. 200606610308
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print):

West of Ingraham, LLC

☒ Owner ☐ Tenant/Lessee

Street Address:

4641 Ingraham St

City/State/Zip:

SD, CA 92109

Phone No:

858 274 5995

Fax No:

274 0964

Name of Corporate Officer/Partner (type or print):

Michael E. Turk

Title (type or print):

managing member

Signature:



Date:

9/26/08

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

West of Ingraham, LLC

☒ Owner ☐ Tenant/Lessee

Street Address:

Same

City/State/Zip:

Same

Phone No:

Same

Fax No:

Name of Corporate Officer/Partner (type or print):

Karen D. Turk

Title (type or print):

member

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature:

Date:

C00360



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave. • 3rd Floor
San Diego, CA 92101-4154
(619) 446-5210

www.sandiego.gov/development-services

RECEIVED
CITY CLERK'S OFFICE

08 OCT 30 AM 9:43

Development Permit Appeal Application

See Information Bulletin 505, "Development Permits Appeal Procedure" for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Board of Zoning Appeals
☐ Appeal of a Hearing Officer Decision to revoke a permit
☒ Process Four Decision - Appeal to City Council

2. Appellant Name Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)
Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development,
c/o Cory J. Briggs, Briggs Law Corporation

Address City State Zip Code Telephone
99 East "C" Street, Suite 111, Upland, CA 91786 909-949-7115

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Unknown

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:

96319 (1949 Grand Ave T.M.)

Date of Decision:

10/23/08

City Project Manager:

Glenn Gargas

Decision (describe the permit/approval decision):

The Planning Commission approved the application for a tentative map to convert residential units to condominiums without preparing an initial study or performing other study under the California Environmental Quality Act and in violation of other applicable laws, including the Subdivision Map Act.

5. Reason for Appeal

- ☒ Factual Error
☐ Conflict with other matters
☒ Findings Not Supported
☒ New Information
☒ City-wide Significance (Process Four decisions only)

Description of Reasons for Appeal (Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)

The Planning Commission erred in approving the project without first preparing an initial study or performing any other study under the California Environmental Quality Act and in violation of San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and 142.1305 and Government Code § 66412.3. The project does not qualify for exemption under section 15301 of the CEQA Guidelines. Furthermore, the project does not qualify for exemption due to the cumulative and other potential adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing. The City also has an independent obligation to conduct this environmental review under CEQA and the Subdivision Map Act (§ 66474). The opposition letter submitted by Briggs Law Corporation prior to approval of the project provides additional information that supports this appeal, including but not limited to the City's inability to make the finding required by Government Code § 66473.5 because the housing element has become invalid due to the City's failure to revise it lawfully and in a timely manner under Government Code § 65588(e). Evidence of cumulative impacts and other potential adverse environmental impacts of the conversions may not have been available to the person(s) on staff who made the determination of exemption or to the public until after the appeal period for the determination expired.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature Cory J. Briggs

Date October 30, 2008

Note: Faxed appeals are not accepted.

000961

BRIGGS LAW CORPORATION

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705

Telephone: 858-295-9082
Facsimile: 858-293-9138

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BulC File(s): 1007.05

Planning Commission
City of San Diego
202 C Street
San Diego, CA 92101

October 22, 2008

Re: Project Number: 96319
Project Name: 1949 Grand Ave. T.M.
Commission Meeting Date: October 23, 2008

Dear Planning Commission:

On behalf of Citizens for Responsible Equitable Environmental Development and the Affordable Housing Coalition of San Diego County, I am writing to express my clients' opposition to approval of the above-referenced project, which is scheduled to be considered by the Planning Commission on the above-identified date.

My clients oppose approval of the project on the grounds that converting apartments to condominiums is subject to environmental review under the California Environmental Quality Act. The exemptions set forth in Section 15301 of the CEQA Guidelines do not apply to the project. Furthermore, the cumulative and other potential significant impacts of converting apartments to condominiums make the exemption inapplicable. Evidence of the project's cumulative adverse impacts is contained in, among other sources, (i) the City Attorney's memorandum dated November 10, 2005, regarding the applicability of CEQA to condominium conversions; (ii) the City Manager's report no. 05-060; (iii) the City Manager's report no. 05-060 rev.; (iv) the City Manager's report no. 05-106; (v) the City Manager's report no. 05-163; (vi) the City Council's prior resolutions declaring a state of emergency over the lack of affordable housing; and (vii) the City's current housing element (e.g., its comments about the environmental effects of condo conversions and the loss of affordable housing). Additionally, the project should be denied because your action in approving it would violate San Diego Municipal Code §§ 125.0440(a)(-h), 142.1304, and 142.1305 and Government Code §§ 66412.3 and 66474 (by not proceeding in the manner prescribed by law, not making all necessary findings, and not supporting the findings with sufficient evidence). Lastly, the project should not be approved because it is inconsistent with the housing element, thus precluding the necessary finding under Government Code § 66473.5; the housing element has not been lawfully revised as required by Government Code § 65588(e)(5) and therefore is invalid. My clients therefore urge the City of San Diego to comply with all applicable laws before approving the project or to deny approval.

Thank you for giving this matter the attention that it deserves.

Sincerely,

BRIGGS LAW CORPORATION

Cory A. Briggs
Cory Briggs

000962

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-6071

COASTAL DEVELOPMENT PERMIT NO. 314328
1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319
CITY COUNCIL

This Coastal Development Permit No. 314328 is granted by the City Council of the City of San Diego to Michael E. Turk, managing member of West of Ingham LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.143 acre site is located at 1949 Grand Avenue, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Parcel 2, Parcel Map No. 2866.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 4 unit apartment building with first floor commercial office to be converted into 4 residential condominium units and two commercial office condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated January 13, 2009, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 4 unit mixed use apartment building with first floor commercial office, into 4 residential condominium units and two commercial office condominium units on a 0.143 acre property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, twelve parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement

000963

requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for and approval of the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

000964

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

9. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENGINEERING REQUIREMENTS:

10. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 592418 to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to receiving a parcel map/certificate of compliance, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a parcel map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

12. Prior to receiving a parcel map/certificate of compliance, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, ?144.0503). In

000965

addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Sec.144.0502).

PLANNING/DESIGN REQUIREMENTS:

13. No fewer than twelve (12) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

14. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

15. Prior to issuance of Certificate of Compliance, the project must comply with the Inclusionary Housing Regulations, and the Coastal Zone Affordable Housing Replacement Regulations as determined by the San Diego Housing Commission.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on January 13, 2009, by Resolution No. _____.

000966

CITY COUNCIL
 RESOLUTION NO. - _____
 COASTAL DEVELOPMENT PERMIT NO. 314328
1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319

WHEREAS, Mr. Michael E. Turk, managing member of West of Ingraham LLC, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, mixed use apartment building with first floor commercial office and four dwelling unit apartments into four residential condominium units and two commercial office condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 314328, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 1949 Grand Avenue, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Parcel 2, Parcel Map No. 2866.

WHEREAS, on January 13, 2009, the City Council of the City of San Diego considered Coastal Development Permit No. 314328, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego as follows:

That the City Council adopts the following written Findings, dated January 13, 2009.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The 0.143-acre project site is currently developed with an existing mixed use, residential apartment and commercial office building which includes four residential apartment units and first floor commercial office. The development proposes to divide the existing four dwelling units into residential condominiums along with commercial office condominiums and is located approximately one mile from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the

000967

Pacific Beach Local Coastal Program. The project site is situated along Grand Avenue, within a developed multi family residential and small scale commercial neighborhood. The proposed division into condominiums met the development setbacks and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The 0.143-acre project site is currently developed with a four dwelling unit apartment building with first floor commercial office and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed division of the existing mixed use residential apartment and commercial office use building with four dwelling units to be converted into condominium units is located on a site which has a Community Commercial land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing mixed use apartment with commercial office building that includes four dwelling units, is located within a well developed multi family residential and neighborhood commercial neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately one mile away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project has an existing design with access off the existing public alley, with all twelve

000968

existing off street parking spaces off the alley. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Coastal Development Permit No. 314328, is hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 314328, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: January 13, 2009

Job Order No. 42-6071

cc: Legislative Recorder, Planning Department

000969

CITY COUNCIL RESOLUTION NO. _____
TENTATIVE MAP NO. 592418

1949 GRAND AVENUE TENTATIVE MAP - PROJECT NO. 96319
DRAFT

WHEREAS, Michael E. Turk, managing member of West of Ingraham LLC, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 592418, for the conversion of an existing, two-story, mixed use building with four (4) residential dwelling units and first floor commercial office area to be converted into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 1949 Grand Avenue, on the south side of Grand Avenue, between Morrell Street and Lamont Street, and is legally described as Parcel 2, Parcel Map No. 2866, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into four (4) residential condominium units and two commercial office condominium units; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is forty-eight; and

WHEREAS, on January 13, 2009, the CITY COUNCIL of the City of San Diego considered Tentative Map No. 592418, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the CITY COUNCIL having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the CITY COUNCIL of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 592418:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development

000970

Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. *The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities* (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
10. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).

000971

11. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
12. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
13. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
14. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).
15. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
16. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
17. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).

000972

18. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
19. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
20. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
21. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
22. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
23. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the CITY COUNCIL, Tentative Map No. 592418, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to Mr. Michael E. Turk, managing member of West of Ingraham LLC, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire on January 13, 2012.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.

000973

3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant
6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.

000974

9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

12. Inclusionary Housing Ordinance - Prior to receiving a parcel map/certificate of compliance, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. The in-lieu fee is calculated at \$3,045.00 (2,436 sq. ft. x \$1.25 = \$3,045). Prior to receiving a parcel map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.
13. Relocation Requirements of the Condo Conversion Ordinance - Prior to receiving a parcel map/certificate of compliance, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, ?144.0503). In addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Sec. 144.0502).

000975

14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).

ENGINEERING

15. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
16. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
17. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
19. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

20. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
21. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

000976

22. The Final Map shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

23. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the PLANNING COMMISSION of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON JANUARY 13, 2009.

By

Glenn R. Gargas, AICP
Development Project Manager
Development Services Department

Job Order No. 42-6071

Rev 04/13/07 rh

000978

DETERMINATION OF

ENVIRONMENTAL EXEMPTION

ATTACHMENT 7

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 96319

Date: 3/27/06

Action/Permit(s): Coastal Development Permit and Map Waiver

Description of Activity: 1949 Grand Avenue Map Waiver/ COASTAL DEVELOPMENT PERMIT AND MAP WAIVER to allow the requirements of a Tentative Map be waived and to allow the undergrounding of overhead utilities in order to convert two existing residential units into condominiums and create two commercial condominium units on a 0.143 acre site.

Location of Activity: 1949 Grand Avenue in the CN-1-2 Zone within the Pacific Beach Community Planning area.

(CHECK BOXES BELOW)

1. ☐ This activity is EXEMPT FROM CEQA pursuant to:
- ☐ Section 15061(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS
(Incomplete list)

Section	Short Name
<input checked="" type="checkbox"/> 15301 (k)	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input type="checkbox"/> 15305	Minor Alteration in Land Use
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> 15332	In-Fill Development Projects

ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS
(Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego
has determined the above activity to be exempt:

Myra Hermann
Myra Hermann, Senior Planner
Environmental Analysis Section

Distribution:

Exemption or Project file
Glen Gargas, Development Project Manager

000979

DETERMINATION OF
ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 96319

Date: 3/27/06

Action/Permit(s): Coastal Development Permit and Map Waiver

Description of Activity: 1949 Grand Avenue Map Waiver/ COASTAL DEVELOPMENT PERMIT AND MAP WAIVER to allow the requirements of a Tentative Map be waived and to allow the undergrounding of overhead utilities in order to convert two existing residential units into condominiums and create two commercial condominium units on a 0.143 acre site.

Location of Activity: 1949 Grand Avenue in the CN-1-2 Zone within the Pacific Beach Community Planning area.

(CHECK BOXES BELOW)

1. ☐ This activity is EXEMPT FROM CEQA pursuant to:
- ☐ Section 15061(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

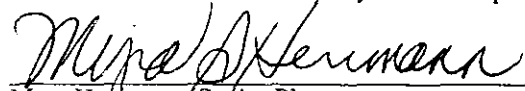
**ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS**
(Incomplete list)

Section	Short Name
<input checked="" type="checkbox"/> 15301 (k)	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input type="checkbox"/> 15305	Minor Alteration in Land Use
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> 15332	In-Fill Development Projects

**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego
has determined the above activity to be exempt:


Myra Herrmann, Senior Planner
Environmental Analysis Section

Distribution:

Exemption or Project file
Glen Gargas, Development Project Manager

October 23, 2008

000981

PLANNING COMMISSION RESOLUTION NO. 4471-PC-2
TENTATIVE MAP NO. 592418
1949 GRAND AVENUE TENTATIVE MAP - PROJECT NO. 96319

WHEREAS, Michael E. Turk, managing member of West of Ingraham LLC, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 592418, for the conversion of an existing, two-story, mixed use building with four (4) residential dwelling units and first floor commercial office area to be converted into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 1949 Grand Avenue, on the south side of Grand Avenue, between Morrell Street and Lamont Street, and is legally described as Parcel 2, Parcel Map No. 2866, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into four (4) residential condominium units and two commercial office condominium units; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is forty-eight; and

WHEREAS, on October 23, 2008, the PLANNING COMMISSION of the City of San Diego considered Tentative Map No. 592418, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the PLANNING COMMISSION having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 592418:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
10. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
11. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has

been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).

12. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
13. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
14. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).
15. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
16. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
17. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
18. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written

notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).

19. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
20. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
21. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
22. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
23. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the PLANNING COMMISSION, Tentative Map No. 592418, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to Mr. Michael E. Turk, managing member of West of Ingraham LLC, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire on October 23, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.

4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant
6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with

Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.

10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

12. Inclusionary Housing Ordinance - Prior to receiving a parcel map/certificate of compliance, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. The in-lieu fee is calculated at \$3,045.00 (2,436 sq. ft. x \$1.25 = \$3,045). Prior to receiving a parcel map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.
13. Relocation Requirements of the Condo Conversion Ordinance - Prior to receiving a parcel map/certificate of compliance, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, 144.0503). In addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Sec. 144.0502).
14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).

ENGINEERING

15. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
16. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
17. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
19. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

20. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
21. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
22. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said

000988

Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

23. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the PLANNING COMMISSION of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the

000989

imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON OCTOBER 23, 2008.

By

Glenn R. Gargas, AICP
Development Project Manager
Development Services Department

Job Order No. 42-6071

Rev 04/13/07 rh

000991

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-6071

COASTAL DEVELOPMENT PERMIT NO. 314328
1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319
PLANNING COMMISSION

This Coastal Development Permit No. 314328 is granted by the Planning Commission of the City of San Diego to Michael E. Turk, managing member of West of Inghram LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.143 acre site is located at 1949 Grand Avenue, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Parcel 2, Parcel Map No. 2866.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 4 unit apartment building with first floor commercial office to be converted into 4 residential condominium units and two commercial office condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated October 23, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 4 unit mixed use apartment building with first floor commercial office, into 4 residential condominium units and two commercial office condominium units on a 0.143 acre property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, twelve parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement

000992

requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for and approval of the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

9. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENGINEERING REQUIREMENTS:

10. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 592418 to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to receiving a parcel map/certificate of compliance, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a parcel map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

12. Prior to receiving a parcel map/certificate of compliance, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, ?144.0503). In

000994

addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Sec.144.0502).

PLANNING/DESIGN REQUIREMENTS:

13. No fewer than twelve (12) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

14. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

15. Prior to issuance of Certificate of Compliance, the project must comply with the Inclusionary Housing Regulations, and the Coastal Zone Affordable Housing Replacement Regulations as determined by the San Diego Housing Commission.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on October 23, 2008, by Resolution No. 4471-PC-1.

PLANNING COMMISSION
RESOLUTION NO. 4471-PC-1
COASTAL DEVELOPMENT PERMIT NO. 314328
1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319

WHEREAS, Mr. Michael E. Turk, managing member of West of Ingraham LLC, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, mixed use apartment building with first floor commercial office and four dwelling unit apartments into four residential condominium units and two commercial office condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 314328, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 1949 Grand Avenue, in the CN-1-2 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Parcel 2, Parcel Map No. 2866.

WHEREAS, on October 23, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 314328, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated October 23, 2008.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The 0.143-acre project site is currently developed with an existing mixed use, residential apartment and commercial office building which includes four residential apartment units and first floor commercial office. The development proposes to divide the existing four dwelling units into residential condominiums along with commercial office condominiums and is located approximately one mile from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the

Pacific Beach Local Coastal Program. The project site is situated along Grand Avenue, within a developed multi family residential and small scale commercial neighborhood. The proposed division into condominiums met the development setbacks and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The 0.143-acre project site is currently developed with a four dwelling unit apartment building with first floor commercial office and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed division of the existing mixed use residential apartment and commercial office use building with four dwelling units to be converted into condominium units is located on a site which has a Community Commercial land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing mixed use apartment with commercial office building that includes four dwelling units, is located within a well developed multi family residential and neighborhood commercial neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately one mile away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project has an existing design with access off the existing public alley, with all twelve

000997

existing off street parking spaces off the alley. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 314328, is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 314328, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: October 23, 2008

Job Order No. 42-6071

cc: Legislative Recorder, Planning Department

000998

ALL-PURPOSE CERTIFICATE

Project No. 96319 J.O. No. 42-6071
Type/PTS Approval Number of Document CDP No.
314328 & TM No. 592418
Date of Approval Oct. 23, 2008

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Glenn R. Gargas, Development Project Manager

On December 19, 2008, before me, Maribel Martinez, (Notary Public), personally appeared Glenn R. Gargas, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
Maribel Martinez

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____ Signed _____
Typed Name Typed Name

STATE OF _____
COUNTY OF _____

On _____ before me, _____ (Name of Notary Public)
personally appeared _____, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

000099

Item 14

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
OCTOBER 23, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:06 am. Chairperson Schultz adjourned the meeting at 5:52 pm

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz – present (not present from 11:10am-1:15 pm)
Vice-Chairperson - Eric Naslund –present (left at 4:28pm)
Commissioner Robert Griswold – present (left 12:15pm)
Commissioner Gil Ontai –present
Commissioner Dennis Otsuji - present
Commissioner Mike Smiley – not present
Commissioner Tim Golba - present

Staff

Shirlely Edwards, City Attorney - present
Christine Rothman, Planning Department – present
Mike Westlake, Development Services Department - present
Brenda Clark, Legislative Secretary - present
Elisa Contreras, Recorder – present

001000

MOTION BY COMMISSIONER GOLBA TO DENY STAFF RECOMMENDATION WITH THE KNOWLEDGE THAT THE PLANNING COMMISSION IS ACTING IN A FASHION TO FORWARD PROJECT TO CITY COUNCIL AS A PROCEDURAL MOTION. SECOND BY COMMISSIONER ONTAL. PASSED BY A VOTE OF 4-0-3 with Commissioners Naslund Griswold and Smiley not present.

Break 3:55-4:08

ITEM-13: ***PARK TERRACE – PROJECT NO. 147090**
City Council District: 3; Plan Area: Greater North Park

Staff: Paul Godwin

Speaker slip submitted in favor of the project by Mark Freed.

No speaker slips submitted opposed to project.

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO CERTIFY MITIGATED NEGATIVE DECLARATION NO. 147090 AND ADOPT THE MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP); AND

APPROVE SITE DEVELOPMENT PERMIT NO. 519003; AND

APPROVE VESTING TENTATIVE MAP NO. 516984; AND

APPROVE A WAIVER OF THE REQUIREMENT TO UNDERGROUND THE EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-08-136. Second by Commissioner Golba. Passed by vote of 4-0-3 with Commissioners Naslund, Griswold and Smiley not present.
Resolution No. 4461-PC.

ITEM-14: **1949 GRAND AVENUE TENTATIVE MAP – PROJECT NO. 96319**
City Council District: 2; Plan Area: Pacific Beach

Staff: Glenn Gargas

Speaker slips submitted in favor of the project by Robert Bateman, Paul Ross.

No speaker slips submitted opposed to the project.

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSJUI TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 314328; AND

APPROVE TENTATIVE MAP NO. 529418 AND THE REQUEST TO WAIVE THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD

001001

UTILITIES. Second by Commissioner Naslund. Passed by a vote of 4-0-3 with Commissioner Golba recusing, Commissioner Griswold and Smiley not present. Resolution No. 4471-PC0

ITEM-15: **SCRIPPS MIRAMAR RANCH COMMUNITY PLAN AMENDMENTS**

City Council District: 5; Plan Area: Scripps Miramar Ranch

Staff: Daniel Monroe

Speaker slips in favor of the project: None

No speaker slips submitted opposed to project.

COMMISSION ACTION:

MOTION BY COMMISSIONER ONTAI TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT TO THE GENERAL PLAN AND THE SCRIPPS MIRAMAR RANCH COMMUNITY PLAN. Second by Commissioner Golba. Passed by a vote of 4-0-3 with Commissioners Naslund, Griswold and Smiley not present.

**Items 9 and 10 were heard out of order*